

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Vale	Team: Squad #1	CCRB Case #: 201809762	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/13/2018 10:50 PM	Location of Incident: Grand Central Parkway and Parsons Boulevard	Precinct: 107	18 Mo. SOL 5/13/2020	EO SOL 12/28/2020	
Date/Time CV Reported Thu, 11/15/2018 9:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/23/2018 11:08 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Abrams	31899	954456	HWY 03

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Abrams	Abuse: Police Officer Steven Abrams stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Steven Abrams	Abuse: Police Officer Steven Abrams questioned § 87(2)(b)	
C.POM Steven Abrams	Abuse: Police Officer Steven Abrams searched § 87(2)(b)	
D.POM Steven Abrams	Abuse: Police Officer Steven Abrams failed to provide § 87(2)(b) with a business card.	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On November 23, 2018, the Civilian Complaint Review Board received this complaint, filed by § 87(2)(b) with the Internal Affairs Bureau on November 15, 2018.

On November 13, 2018, PO Steven Abrams of Highway Patrol stopped § 87(2)(b)'s vehicle on Grand Central Parkway and Parsons Boulevard in Queens, for speeding (**Allegation A: Abuse of Authority**, § 87(2)(g)). After identifying the odor of alcohol, PO Abrams asked § 87(2)(b) if she had anything to drink (**Allegation B: Abuse of Authority**, § 87(2)(g)). PO Abrams proceeded to administer a breathalyzer test on § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g)). PO Abrams warned and admonished § 87(2)(b) and permitted her to leave. PO Abrams failed to provide § 87(2)(b) with a business card (**Allegation D: Abuse of Authority**, § 87(2)(g)). § 87(2)(g), § 87(4-b)  
§ 87(2)(b) was not arrested or issued a summons for this incident.

The investigation obtained NYPD vehicle dashboard camera footage for this incident [Board Review 01].

### Findings and Recommendations

#### **Allegation A – Abuse of Authority: Police Officer Steven Abrams stopped the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) denied committing any vehicle infractions. However, she admitted to driving her vehicle at a speed of at least 60 mph on a possibly 55 mph zone on the Grand Central Parkway. During the stop, PO Abrams informed § 87(2)(b) that she was clocked driving 71 mph.

As PO Abrams drove on the Grand Central Parkway, he observed § 87(2)(b) driving above the posted 50 mph speed limit. He utilized a functioning department issued speed radar device which clocked § 87(2)(b) driving above the limit. Although he did not recall § 87(2)(b)'s exact speed, he did note that it was well above the speed limit and that dashboard camera video footage would note the exact speed limit he relayed to § 87(2)(b) being the reason for the vehicle stop.

Video footage obtained from PO Abram's police vehicle dashboard camera captured the entire incident [BR01]. At 22:57:56, PO Abrams informs § 87(2)(b) that she was stopped for speeding at 71 mph.

According to People v. Robinson, 97 N.Y.2d 341 (2001) [Board Review 02], officers may stop a vehicle when they have probable cause to believe that a traffic violation has occurred. New York State Vehicle and Traffic Law § 1180 (d) [Board Review 03] states that no person shall drive above maximum speed limits at any time.

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b)  
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§ 87(2)(b)  
§ 87(2)(b)

**Allegation B – Abuse of Authority: Police Officer Steven Abrams questioned § 87(2)(b)**

**Allegation C – Abuse of Authority: Police Officer Steven Abrams searched § 87(2)(b)**

§ 87(2)(b) acknowledged that she drank two margaritas at a sushi bar prior to the vehicle stop. As PO Abrams stood next to her vehicle, he stated that he detected the odor of alcohol and asked if she had consumed any alcohol. § 87(2)(b) admitted that she drank two margaritas. PO Abrams had § 87(2)(b) exit her vehicle and administered both a pen test and a breathalyzer test which she passed.

As PO Abrams stood next to the driver's side of § 87(2)(b)'s vehicle, he stated that he detected the odor of an alcoholic beverage emanating from both § 87(2)(b)'s breath and from within the vehicle. PO Abrams received training in the odor of alcohol alongside a vast experience of DWIs and interactions with impaired drivers which led him to recognize the odor of alcohol coming from § 87(2)(b). PO Abrams instructed § 87(2)(b) to exit her vehicle and followed her towards the back of the vehicle. PO Abrams informed § 87(2)(b) that he was going to test her to see if she had consumed any alcohol as she was driving above the speed limit. He asked § 87(2)(b) a second time if she had consumed any alcohol and she denied doing so. He informed § 87(2)(b) that he was trained in detecting signs of alcohol impairment to which § 87(2)(b) admitted having consumed one or two margaritas beforehand. PO Abrams administered both a Horizontal Nystagmus Test and a Breathalyzer Test on § 87(2)(b) which she passed, and so, he permitted her to continue driving her vehicle.

Video footage for this incident captured PO Abrams questioning § 87(2)(b) and administering a breathalyzer test. At 22:58:08, PO Abrams asks § 87(2)(b) if she had anything to drink and she responds no. He tells § 87(2)(b) that he smells an odor of alcohol from the vehicle. § 87(2)(b) responds that her friend, who was previously in the vehicle, was the one who drank. At 22:59:45, PO Abrams reiterates to § 87(2)(b) that he smells the odor of alcohol coming from both her breath and her vehicle. § 87(2)(b) then admits that she had two margaritas. Between 23:00:00 and 23:05:08, PO Abrams administers a pen test followed by a breathalyzer test. PO Abrams tells § 87(2)(b) that the number she blew was permissible for her age and that she would be allowed to drive her vehicle as she was not intoxicated.

According to People v. DeBour, 40 N.Y.2d 210 (1976) [Board Review 04], officers may ask pointed questions when they have a founded suspicion that criminality may be afoot. Vehicle and Traffic Law §1194 (a) [Board Review 05] states that every person operating a motor vehicle in New York State shall be deemed to have given consent to a chemical test of one or more of the following: breath, blood, urine, or saliva, for the purpose of determining the alcoholic content of the blood provided that such test is administered by or at the direction of a police officer having reasonable grounds to believe that such person to have been operating a vehicle under the influence of alcohol within two hours after the stop of such person for any such violation.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation D – Abuse of Authority: Police Officer Steven Abrams failed to provide**  
**§ 87(2)(b) with a business card.**

PO Abrams acknowledged that he did not provide § 87(2)(b) with a Right to Know business card as she did not request one. PO Abrams received training on an unknown date regarding the distribution of business cards to the public. PO Abrams’ understanding of the policy was that he did not have to provide a card to § 87(2)(b) absent a request to provide one, a frisk of her person, and/ or a search of her vehicle. He confirmed that he did not arrest or issue § 87(2)(b) a summons as he warned and admonished her.

NYC Administrative Code 14-174(a)(2)(4) [Board Review 06] states that at the conclusion of “law enforcement activities” and in those situations where a civilian specifically asks for a business card, the officer is required to provide one. The term “law enforcement activity” includes: (4) searches of persons. NYC Administrative Code 14-174(b)(3) states that during a law enforcement activity, an officer shall offer a business card to such person at the conclusion of any such activity that does not result in an arrest or summons [Board Review 11].

§ 87(2)(b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

## Civilian and Officer CCRB Histories

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## Mediation, Civil and Criminal Histories

- On April 10, 2019, this case was sent to mediation, and on June 25, 2019, the case was returned to investigation as the complaint was no longer eligible for mediation.
- As of July 30, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint [Board Review 09].
- According to OCA, § 87(2)(b) has no history of convictions in New York City [Board Review 10].

Squad No.: 1

Investigator: \_\_\_\_\_

Signature

Investigator Diana Vale  
Print Title & Name

Date

Squad Leader: \_\_\_\_\_ Investigative Manager Joy Almeyda \_\_\_\_\_  
Signature Print Title & Name Date